United Nations A/HRC/WG.6/28/CZE/2

General Assembly

Distr.: General
4 September 2017

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-eighth session
6-17 November 2017

Compilation on Czechia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. The Committee on the Elimination of Discrimination against Women urged Czechia to accelerate the process of ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).[3] It encouraged Czechia to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[4]

3. The Committee on the Elimination of Racial Discrimination encouraged Czechia to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO).[5]

4. The Committee on the Rights of Persons with Disabilities called on Czechia to ratify the Optional Protocol to the Convention, as it had undertaken to do during the second cycle of the universal periodic review[6] and in line with the National Plan on Promoting Equal Opportunities for Persons with Disabilities 2015-2020.[7] It encouraged ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.[8]

5. The Committee on Economic, Social and Cultural Rights encouraged ratification of the Optional Protocol to the Covenant.[9]

6. The Human Rights Committee reiterated its concern at the continuing failure of Czechia to implement the Committee's Views under the Optional Protocol to the Covenant, in particular the numerous cases concerning restitution of property.[10]

7. Czechia submitted its midterm report regarding the implementation of recommendations made in 2012 during the second review cycle.[11]

8. Czechia contributed annually to the Office of the United Nations High Commissioner for Human Rights OHCHR during the period since 2012.[12]

III. National human rights framework[13]

9. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the Act on health-care services, as amended, and of a strategy for equality of women and men covering the period 2014-2020.[14]

10. The Committee on the Elimination of Racial Discrimination welcomed the adoption of the Roma Integration Strategy 2014-2020, the Inclusive Education Action Plan for 2016-2018, the amendment to the School Act and the Migration Policy Strategy.[15]

11. The Committee on the Rights of Persons with Disabilities welcomed the prohibition of direct and indirect discrimination of persons with disabilities in the Act on equal treatment and legal means of protection against discrimination (the Anti-Discrimination Act) and the decision of the Supreme Administrative Court recognizing the right of children with disabilities to live in the community.[16]

12. The Committee on Economic, Social and Cultural Rights welcomed the adoption of the 2009 Criminal Code, which provided for the punishment of racially motivated crimes; the increase in the minimum wage; and the adoption of the first strategy on prevention of and solutions to homelessness.[17]

13. The Human Rights Committee welcomed the adoption of the Anti-Discrimination Act, and the new Civil Code, which abolished the full deprivation of legal capacity as of 2014.[18]

14. The same Committee recommended establishing a national human rights institution with a broad human rights mandate and providing it with adequate financial and human resources, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[19] Other treaty bodies made similar recommendations.[20]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[21]

15. The Committee on Economic, Social and Cultural Rights recommended amending the Anti-Discrimination Act with a view to expanding the grounds of discrimination explicitly prohibited by the Act and incorporating rights contained in the Covenant that were not covered by the Act.[22] The ILO Committee of Experts on the Application of Conventions and Recommendations made similar recommendations.[23]

16. The Human Rights Committee noted with concern that Roma continued to suffer from discrimination, widespread unemployment, insufficient access to subsidized municipal housing, forced evictions and territorial segregation.[24] The Committee on Economic, Social and Cultural Rights raised similar concerns.[25] The Human Rights Committee recommended that Czechia establish a consolidated strategy to promote access by Roma to various opportunities and services at the regional and municipal levels, including, where appropriate, through temporary special measures.[26]

17. The Committee on the Elimination of Racial Discrimination was concerned at the continuing racial hatred and racially motivated violence against Roma, the spreading of

prejudice and stereotypes about refugees and asylum seekers through websites and social media, the increase in the expression of Islamophobia and the media's excessive highlighting of the ethnic origin and nationality of non-citizens in the reporting of criminal offences.[27] The Human Rights Committee raised similar concerns, including about the prevalence of an anti-Roma climate; the use of discriminatory remarks against Roma by politicians and in the media; and extremist demonstrations, marches and attacks directed against members of the Roma community.[28] With regard to one specific anti-Roma demonstration in May 2013, several special procedure mandate holders raised similar concerns,[29] to which Czechia sent a detailed reply.[30] The Committee on the Elimination of Racial Discrimination recommended that Czechia firmly condemn hate speech by public officials and politicians, effectively investigate racist hate speech and racially motivated violence and prosecute perpetrators, and adopt appropriate legislation for the media in order to promote informed, ethical and objective media and encourage media to adopt codes of professional ethics that incorporated human rights standards.[31] The Human Rights Committee made similar recommendations.[32]

2. Development, the environment, and business and human rights[33]

18. The Committee on Economic, Social and Cultural Rights encouraged Czechia to adopt a timeline for achieving the international commitment of 0.7 per cent of its gross national income in official development assistance and pursue a human rights-based approach in its development cooperation policy.[34]

19. The Committee on the Rights of Persons with Disabilities urged Czechia to ensure that disaster risk reduction and emergency response mechanisms were inclusive and accessible to all persons with disabilities.[35]

B. Civil and political rights

1. Right to life, liberty and security of person[36]

20. The Committee on the Elimination of Racial Discrimination was concerned that no effective compensation mechanism had been established for the victims of forced sterilization, that no perpetrators had been brought to justice, that Czechia retained the three-year statute of limitations for claims for compensation for forced sterilization and that sterilization continued to be used as one of the main contraception measures for Roma women.[37] Several treaty bodies raised similar concerns.[38] The Committee on the Elimination of Discrimination against Women noted with concern that the draft legislation on the establishment of extrajudicial mechanisms had been rejected by Parliament.[39] Several special procedure mandate holders raised similar concerns in an allegation letter,[40] to which Czechia sent a detailed response.[41] The same Committee reiterated its call to review the three-year time limit in the statute of limitations for bringing compensation claims in cases of coercive or non-consensual sterilizations with a view to extending it and, as a minimum, ensure that the time limit began from the time of discovery of the real significance and all consequences of the sterilization; to establish an ex gratia compensation procedure; to provide all victims with assistance in gaining access to their medical records; and to prosecute and adequately punish those who had illegally practised coercive or non-consensual sterilizations.[42] The Human Rights Committee recommended that Czechia ensure free legal assistance and advice to victims and monitor the implementation of the Act on specific health-care services to ensure that all procedures were followed in obtaining the full and informed consent of women, particularly Roma women, who sought sterilization at health facilities.[43] Other treaty bodies made similar recommendations.[44]

21. The Committee on the Rights of Persons with Disabilities urged Czechia to abolish the practice of sterilization of persons with disabilities without their free and informed consent and amend the Civil Code and the Act on health care accordingly.[45] It urged Czechia to end the practice of imposing surgical castration and any other kind of forced treatment, as a form of punishment, on persons with disabilities who were deprived of their liberty.[46]

22. The Human Rights Committee noted that the use, under the Act on health care services, of enclosed restraint beds (cages/net beds) on psychiatric patients constituted inhumane and degrading treatment. It recommended abolishing such beds in psychiatric and related institutions and ensuring that abuses were effectively investigated and prosecuted and redress was provided to the victims and their families.[47] The Committee on the Rights of Persons with Disabilities made similar recommendations, notably to immediately prohibit the use of mechanical and chemical restraints in psychiatric institutions on persons with psychosocial disabilities.[48]

23. While welcoming the criminalization of various forms of child abuse and the various initiatives to prevent those practices, the Human Rights Committee was concerned about the large number of victims of sexual abuse and the small number of cases reported by victims. It was also concerned that corporal punishment was not explicitly prohibited by law in public institutional settings and in the home. The Committee recommended that Czechia ensure that all cases of abuse of children were promptly investigated, perpetrators brought to justice and practical steps taken to put an end to corporal punishment in all settings.[49]

2. Administration of justice, including impunity, and the rule of law[50]

24. The Human Rights Committee was concerned that persons deprived of, or with limited, legal capacity could be confined in social care institutions without being subject to any legal requirement for justification for their confinement or consideration of less restrictive alternatives and without having a legal right to bring proceedings to have the lawfulness of their confinement decided by a court, and that there was no maximum period of time after which the decision on their confinement must be reviewed.[51] The Committee on the Rights of Persons with Disabilities expressed similar concerns.[52] The Human Rights Committee recommended that Czechia establish, on an individual basis, the necessity and proportionality of any measure limiting the legal capacity of persons with mental disabilities, and ensure that all persons who had their legal capacity restricted would have prompt access to an effective judicial review of the decisions and free and effective legal representation in all proceedings regarding their legal capacity.[53] The Committee on the Rights of Persons with Disabilities was concerned about the absence of case law relating to judicial protection from disability-based discrimination and the lack of access for blind persons and persons with intellectual and psychosocial disabilities to judicial and administrative proceedings.[54] It called upon Czechia to take all measures necessary to foster the use of legal remedies available to persons with disabilities who faced discrimination and inequality.[55]

25. The Committee on the Elimination of Discrimination against Women reiterated its concern regarding the low number of gender discrimination lawsuits filed and the fact that women often preferred out-of-court settlements owing to, inter alia, the financial cost of litigation and the difficulty of substantiating incidents of gender discrimination.[56] It recommended that Czechia establish a comprehensive system of free legal aid for women without sufficient means to pay for legal assistance in anti-discrimination proceedings. It also recommended that Czechia consider legislative reforms to allow for *actio popularis*, including in cases of gender discrimination.[57]

26. The Committee on the Elimination of Racial Discrimination was concerned at the low level of knowledge of the Anti-Discrimination Act among law enforcement and judicial officials and the low level of understanding by victims of racial discrimination about their rights and complaint mechanisms. It was also concerned at excessive delays in court proceedings, high court fees and the lack of free legal aid for victims. It recommended raising awareness of anti-discrimination laws, including the Anti-Discrimination Act, and relevant complaint mechanisms among law enforcement and judicial officials and ethnic minorities, reducing court fees and providing the victims of racial discrimination with free legal aid to lodge their complaints before the relevant authorities.[58]

27. The Human Rights Committee was concerned about the conditions of work faced by prisoners, whose average monthly wages were far below the national minimum salary, had not been updated for many years and were further reduced to pay for the prisoners'

incarceration costs. It recommended reconsideration of the policy of obliging prisoners to pay their incarceration costs.[59]

28. Recalling the relevant recommendation from the second cycle of the universal periodic review on asylum seekers,[60] the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Czechia end the detention of all children, whether accompanied, unaccompanied or separated; and implement, without delay, alternatives to detention in law and in practice, ensuring that detention was applied only as a measure of last resort.[61]

29. The United Nations High Commissioner for Human Rights strongly criticized the detention of migrants and refugees, drawing particular attention to the violations of the rights of the children among them. He noted that immigration detention must be strictly a measure of last resort and that detention of children on the sole basis of their migration status, or that of their parents, was a violation, was never in their best interests and was not justifiable. The fact that people were being forced to pay for their own detention was particularly reprehensible.[62]

30. The Human Rights Committee reiterated its concern that foreign minors awaiting deportation could be detained for up to 90 days in detention centres on grounds that were not narrowly defined, such as failure to observe their duties during their stay. The Committee on the Elimination of Racial Discrimination raised similar concerns, and was also concerned that Czechia continued to issue expulsion orders to asylum seekers arriving with invalid travel documentation prior to registering their asylum application.[63] The Human Rights Committee recommended that Czechia ensure that detention of children was permitted only as a measure of last resort and for the shortest appropriate period, that measures were taken to ensure that the detention of foreigners was always reasonable, necessary and proportionate in the light of their individual circumstances, and was resorted to for the shortest appropriate period and only if the existing alternatives to administrative detention had been duly considered and deemed not appropriate.[64] The Committee on the Elimination of Discrimination against Women made similar recommendations, and also recommended that Czechia take a gender-sensitive approach to the ongoing refugee inflows and to asylum claims, including in procedural matters.[65] The Committee on the Elimination of Racial Discrimination made similar recommendations, and also recommended that Czechia ensure that the conditions of all immigration detention and reception centres were in conformity with international standards, and end the practice of issuing expulsion orders prior to registering asylum applications.[66]

3. Fundamental freedoms and the right to participate in public and political life[67]

31. The Human Rights Committee noted with concern that women continued to be underrepresented in decision-making positions in the public sector and recommended that Czechia increase the representation of women in such positions, and where necessary, through appropriate temporary special measures.[68] Other treaty bodies made similar recommendations.[69] The Committee on the Elimination of Discrimination against Women recommended that the electoral law be amended to implement the "zipper" system for election candidates, that specific goals, targets and time frames be set to increase the representation of women, including Roma women, in legislative assemblies, Government and public administration, in particular at senior levels, and that incentives for decision makers who complied be provided, as well as adequate sanctions for those who failed to comply.[70]

32. The Committee on the Elimination of Discrimination against Women recommended that Czechia consider amending the Anti-Discrimination Act and other relevant legislation to include temporary special measures to accelerate the achievement of substantive equality of women and men in political and public life.[71]

33. The Committee on the Rights of Persons with Disabilities recommended that Czechia amend relevant laws so that all persons with disabilities could enjoy the right to vote and stand for election, regardless of guardianship or other regimes.[72] The Human Rights Committee expressed concern at reports indicating a tendency of the courts to excessively restrict persons with disabilities in their legal capacity and recommended that

Czechia ensure that it did not discriminate against persons with disabilities by denying them the right to vote on bases that were disproportionate or had no reasonable and objective relationship to their ability to vote.[53]

4. Prohibition of all forms of slavery[54]

34. Recalling the relevant recommendations from the second cycle of the universal periodic review,[55] UNHCR recommended that Czechia formulate standard operating procedures for the identification and protection of victims of trafficking in need of international protection.[56]

35. The Committee on the Elimination of Discrimination against Women noted with concern the low number of prosecutions and convictions of perpetrators of trafficking in women and girls, the vulnerability of Roma and migrant women and girls to becoming victims of trafficking for purposes of sexual exploitation and forced labour, the inadequacy of long-term support for victims of forced prostitution and the lack of exit programmes for women wishing to leave prostitution.[57] The Committee called upon Czechia to combat trafficking in women and girls, including at the regional level and in cooperation with neighbouring countries, and recommended that Czechia ensure that perpetrators of offences relating to trafficking in women and girls, especially for purposes of forced prostitution and forced labour, were prosecuted and adequately punished, adopt preventive measures specifically targeted at Roma and migrant women and girls, provide free legal aid to victims of trafficking, and ensure the provision of adequate medical, psychosocial and legal support, as well as rehabilitation and reintegration programmes, for women wishing to leave prostitution and extend those measures to victims of forced prostitution.[58] Other treaty bodies and the ILO Committee of Experts made similar recommendations.[59]

5. Right to privacy and family life

36. The Committee on the Elimination of Discrimination against Women reiterated its concern regarding the lack of legal recognition of de facto unions and its adverse impact on women's acquisition of rights during such unions and on their entitlements upon dissolution of the union.[60]

37. The Committee on the Rights of Persons with Disabilities was concerned that the provisions of the new Civil Code and the Act on social and legal protection of children, as amended, explicitly provided for restriction of legal capacity in family matters, especially the right to marriage, parental responsibility and adoption.[61] The Committee on the Elimination of Discrimination against Women reiterated its concern that specific provisions allowed courts to restrict a person's legal capacity, including family and reproductive rights, and that those provisions were used in particular against young women with intellectual and psychosocial disabilities.[62]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[63]

38. The Committee on Economic, Social and Cultural Rights recommended guaranteeing in legislation the right to remuneration that provided a decent living for workers and their families.[64]

39. The Committee on the Elimination of Racial Discrimination recommended facilitating the employment of Roma, particularly women and young people, including through the use of anonymized curricula vitae, targeted assistance with job-seeking in the labour market, special measures for employment in the public sector and incentives for employment in the private sector.[65] The Committee on the Rights of Persons with Disabilities noted with concern the high unemployment rate of persons with disabilities and the fact that the unemployment rate of women with disabilities was higher than that of men with disabilities.[66] The ILO Committee of Experts requested Czechia to provide information on the impact of measures taken to facilitate the transition of young persons

into the labour market and promote full, inclusive and productive employment for youth, particularly those belonging to vulnerable groups.[87]

80. While noting the reduction in the wide gender pay gap, the Committee on the Elimination of Discrimination against Women remained concerned about the low employment rate of women, horizontal and vertical segregation in the labour market, the concentration of women in traditionally female-dominated professions and in the informal sector and the underrepresentation of women in managerial and decision-making positions.[88] The Committee on Economic, Social and Cultural Rights noted that the gender pay gap was also due to women's overrepresentation in part-time employment, despite women's achievements in higher education.[89] The Committee on the Elimination of Discrimination against Women recommended that Czechia strengthen its measures to ensure substantive equality of women and men in the labour market, combat the underemployment of women and promote full-time employment for women supported by adequate high-quality childcare facilities and the promotion of equal sharing of family and domestic responsibilities between women and men.[90] The ILO Committee of Experts asked Czechia to promote public awareness of the legal provisions on equal remuneration between men and women for work of equal value and the procedures and remedies available where there had been a violation, and to assist complainants in such procedures.[91]

81. The Committee on the Elimination of Discrimination against Women recommended that Czechia consider raising the minimum wage to address its negative impact on the feminization of poverty.[92] The Committee on Economic, Social and Cultural Rights made similar recommendations, notably to expand the supply of affordable day-care services.[93]

2. Right to social security

82. The Committee on Economic, Social and Cultural Rights was concerned about the cuts to social security benefits introduced under the austerity measures programme, in particular that the cuts had a negative impact on living conditions and that the effects of the cuts on vulnerable groups had not been assessed. It recommended reversing the cuts to social security benefits and reconsidering cuts to benefits from non-contributory schemes, insofar as they affected the most disadvantaged and marginalized groups.[94]

83. The Committee on the Rights of Persons with Disabilities recommended that Czechia review the legislation on the provision of benefits to persons with disabilities, with genuine participation of persons with disabilities, to reintroduce the additional social allowance to bring the standard of living of families with children with disabilities above the subsistence level.[95] It also recommended that Czechia revise its legislation on disability pension beneficiaries and the newly established method of calculating the relevant period from the beginning of disability until the entitlement of retirement pensions.[96]

3. Right to an adequate standard of living[97]

84. The Committee on the Elimination of Racial Discrimination was concerned about the absence of legislation or policy on social housing and the fact that Roma continued to be denied access to adequate housing, particularly social housing, and to face forced evictions, which had led them to live in socially excluded localities, hindering them in accessing employment, health and other public services and education.[98] The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women raised similar concerns, including with regard to the absence of a social housing law and the considerable number of homeless persons[99] and the fact that single-parent households headed by women, older women and Roma women faced disproportionately high risks of poverty.[100] The Committee on the Elimination of Racial Discrimination recommended that Czechia expeditiously adopt a social housing law and establish a comprehensive social housing system with a special focus on Roma and other ethnic minorities, and ensure that adequate alternative housing was provided to those affected in cases of eviction.[101] Several other treaty bodies made similar recommendations.[102]

85. The Committee on Economic, Social and Cultural Rights was concerned that forced evictions could be carried out legally even if they rendered tenants homeless, and at reports

of forced evictions being carried out without due process. The Committee recommended that Czechia review its legislation and practices so that evictions did not result in individuals being rendered homeless or vulnerable to violation of other human rights and that, where those affected were unable to provide for themselves, Czechia provide adequate alternative housing.[103]

4. Right to health[104]

46. The Committee on the Elimination of Racial Discrimination was concerned about the limited access of Roma to health-care services, despite the support provided by Roma health assistants, which was insufficient to meet the health-care needs of Roma communities. It recommended that Czechia expand the Roma health assistants programme and continue training medical professionals in effective interaction with people from different cultural backgrounds.[105]

47. While welcoming the low rates of perinatal mortality, the Committee on the Elimination of Discrimination against Women was concerned about reports that childbirth conditions and obstetric services unduly curtailed women's reproductive health choices. It reiterated its previous recommendation that Czechia accelerate the adoption of a law on the rights of patients, including the reproductive rights of women.[106] The Committee on the Rights of Persons with Disabilities called upon Czechia to intensify efforts to make information on relevant services and health care available and accessible for persons with disabilities and their families, including parents of boys and girls with disabilities.[107]

48. The Committee on Economic, Social and Cultural Rights was concerned that migrants without a permanent residence permit, including dependents of migrants with permanent residence status, were not eligible to participate in the contributory health insurance scheme and had been refused enrolment in private health insurance schemes or asked to pay prohibitive premiums. It recommended that Czechia open the contributory health insurance scheme to everyone without discrimination. It also urged Czechia to ensure that private insurance providers did not deny access to schemes operated by them or impose unreasonable eligibility conditions.[108] The Committee on the Elimination of Discrimination against Women recommended that Czechia expeditiously undertake the legislative amendments necessary to ensure that migrant women and girls residing in Czechia had the same access to public health insurance as nationals.[109]

5. Right to education[110]

49. The United Nations Educational, Scientific and Cultural Organization (UNESCO) commended the amendment to the Education Act introducing the compulsory year of pre-primary education.[111] The Committee on the Elimination of Discrimination against Women welcomed the adoption in 2015 of a Roma integration strategy to help ensure that Roma girls and boys were guaranteed equal access to education.[112]

50. The Committee on the Elimination of Racial Discrimination remained concerned that Roma children continued to be segregated from mainstream education, with many of them ending in entirely or almost Roma-only schools owing to the deeply rooted negative prejudice against them and the reluctance of school authorities and non-Roma parents to enrol their children in a school with Roma children. It also remained concerned at the continued failure of Czechia to comply with the judgment of the European Court of Human Rights in the case of *D.H. and others v. the Czech Republic*.[113] Other treaty bodies raised similar concerns, notably that Roma children continued to be overrepresented in schools for pupils with mild mental disabilities or "practical elementary schools".[114] The Committee also recommended that Czechia incorporate the principle of inclusive education into the relevant legislation and policies, and allocate sufficient funding for the implementation of the amendment to the School Act (2015) and the Inclusive Education Action Plan for 2016-2018. It also recommended that Czechia help Roma children to keep up with other students in mainstream schools, and counter negative perceptions of Roma children.[115] Other treaty bodies made similar recommendations.[116] The Human Rights Committee recommended that Czechia ensure that decisions for the placement of all children, including Roma children, in special needs classes could not be made without an independent, culturally sensitive medical evaluation or based solely on the capacity of the child.[117]

51. The Committee on the Elimination of Discrimination against Women recommended that efforts be strengthened to reduce the school dropout rate and absenteeism of Roma girls, to educate teachers on countering persistent prejudices and negative gender stereotypes in respect of Roma and to develop policies that promoted gender equality in education.[118] UNESCO made similar recommendations, including that Czechia continue its efforts in providing improved accessibility of schools and inclusivity at all levels of education for all children with disabilities, including by allocating resources for the provision of reasonable accommodation and making legal amendments to prohibit the denial of access to education for those children because of limited resources.[119]

52. The Committee on Economic, Social and Cultural Rights was concerned that children with disabilities were still primarily schooled in specialized institutions and that reasonable accommodation was not always provided to children with disabilities in mainstream education. It recommended that Czechia ensure that the new strategy for better accessibility of schools at all levels of education for all children, including children with disabilities, fully promoted inclusive education for children with disabilities, including by allocating resources for the provision of reasonable accommodation and any additional professional support needed. The Committee also recommended that inclusive education and the obligation to provide reasonable accommodation be incorporated in the Education Act.[120] The Committee on the Rights of Persons with Disabilities made similar recommendations.[121]

D. Rights of specific persons or groups

1. Women[122]

53. The Committee on the Elimination of Discrimination against Women reiterated its recommendation that Czechia strengthen the use of temporary special measures in all areas under the Convention in which women were underrepresented or disadvantaged.[123]

54. The Human Rights Committee regretted that patriarchal stereotyped attitudes still prevailed with respect to the position of women in society. It recommended eradicating stereotypes regarding the position of women in society.[124]

55. While noting the adoption of the Act prohibiting sexist and discriminatory advertising, the Committee on the Elimination of Discrimination against Women also noted with concern the lack of practical enforcement of the Act and the insufficient capacity of supervisory authorities to promptly identify and remove sexist advertisements. It reiterated its recommendation that Czechia strengthen its efforts to address persistent and deep-rooted gender stereotypes that perpetuated discrimination against women and that it adopt a legislative framework to ensure prompt, effective and coherent action against sexist or discriminatory advertisements and media outputs.[125]

56. The same Committee reiterated its concern that women and girls continued to be underrepresented in technical schools and scientific research work and in academic institutions, in particular at the senior level.[126] It recommended that Czechia enact legislation to ensure a comprehensive, coherent framework that guaranteed that the structure, conduct and syllabus of its education sector were in compliance with human rights, including the rights of women. In that regard, the Committee recommended that Czechia accord priority to promoting non-traditional career choices for girls in technical schools and in scientific research and recruiting women at the senior levels of academic institutions.[127]

57. The same Committee was concerned about reports that capacity-building programmes on gender-based violence, including domestic violence, for the police and professionals working with victims did not reflect gender sensitivity.[128] It recommended that Czechia undertake training of police, security personnel and members of the judiciary to ensure that they carried out their functions with gender sensitivity and that Czechia ensure transparent evaluations of its capacity-building programmes on gender-based violence, including domestic violence. The Committee also recommended that Czechia ensure that resources for its victim support services were allocated adequately and

sustainably and progressively fund such services through the regular budget instead of external funding sources.[129]

58. The Human Rights Committee recommended that Czechia prevent and address gender-based violence in all its forms and manifestations and encourage the reporting of cases of domestic violence. It also recommended ensuring that such cases were thoroughly investigated, that perpetrators were prosecuted and, if convicted, punished with appropriate sanctions, and that victims were adequately compensated.[130]

2. Children[131]

59. The Committee on the Rights of Persons with Disabilities called upon Czechia to abandon the concept of residential institutional care for children with disabilities and to step up efforts to develop support services for boys and girls with disabilities and their families in local communities. It urged Czechia to protect the right of children with disabilities to be consulted on all matters that affected them, to guarantee them effective assistance to realize that right, bearing in mind their disability and age,[132] and to abolish the placement of children under 3 years of age in institutionalized care.[133]

60. The Human Rights Committee recommended that Czechia ensure, as a minimum, that children under the age of 15 suspected of an unlawful act enjoyed the standard criminal procedural safeguards at all stages of criminal or juvenile proceedings.[134]

3. Persons with disabilities

61. The Committee on the Rights of Persons with Disabilities noted that several definitions of disability and persons with disabilities in its legislation were based on the medical approach to disability.[135]

62. The same Committee recommended that Czechia recognize the full legal capacity of all persons with all types of disability and improve access to supported decision-making.[136] It urged Czechia to step up the process of deinstitutionalization and allocate sufficient resources for the development of support services in local communities that would enable all persons with disabilities, regardless of their impairments, gender or age, to choose freely with whom, where and under which living arrangements they would live.[137]

63. The Committee on Economic, Social and Cultural Rights urged Czechia to base the implementation of the Strategy for the Reform of Psychiatric Care (2014-2020) on improving the enjoyment of all human rights by persons with psychosocial disabilities, including their right to independent living and inclusion in the community, and invest adequate resources.[138] The Committee on the Rights of Persons with Disabilities made similar recommendations.[139]

64. The Committee on the Rights of Persons with Disabilities called upon Czechia to amend its legislation to extend the prohibition of denial of reasonable accommodation to other areas besides employment and labour relations,[140] and to ensure that premises open to the public were accessible for persons with disabilities.[141]

4. Minorities[142]

65. The Committee on Economic, Social and Cultural Rights recommended addressing negative prejudices and stereotypes, which were among the underlying causes of the systemic discrimination experienced by Roma.[143]

66. The Committee on the Elimination of Racial Discrimination was concerned about the significant increase in the number of so-called socially excluded localities with a majority Roma population. It noted that living in such localities had a hugely negative impact on all aspects of life for Roma, particularly in the areas of employment, housing, health care and other public services and education. The Committee was also concerned at the report that some municipalities refused to rent municipal housing to Roma and supported segregation as a way to expel Roma from their municipalities and that the central Government did not have appropriate measures to sanction them.[144]

5. Migrants, refugees and asylum seekers[145]

67. Regarding the relevant recommendations from the second cycle of the universal periodic review,[146] UNHCR recommended that Czechia tackle the prejudice, stigmatization and discrimination suffered by asylum seekers and refugees and ensure the investigation, prosecution and punishment of any act of discrimination or violence motivated by the victim's national or ethnic identity.[147]

68. The Committee on Economic, Social and Cultural Rights expressed concern about discrimination-based offences committed against migrants in employment, in particular in the exercise of their trade union rights and in housing.[148]

6. Stateless persons

69. Regarding the relevant recommendation from the second cycle of the universal periodic review,[149] UNHCR recommended establishing a designated statelessness determination procedure to identify and protect stateless persons.[150]

70. The Committee on the Elimination of Racial Discrimination was concerned that children born to stateless parents and children born to a foreign mother and a Czech father out of wedlock were at high risk of being stateless. It recommended that Czechia ensure that stateless children born in Czechia obtained citizenship.[151]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Czechia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/CZIndex.aspx.
2 For relevant recommendations, see A/HRC/22/3, paras. 94.1-94.17, 94.21-94.22, 94.29 and 94.41.
3 See CEDAW/C/CZE/CO/6, para. 19.
4 Ibid., para. 45.
5 See CERD/C/CZE/CO/10-11, para. 31.
6 See A/HRC/22/3/Add.1, para. 6.
7 See CRPD/C/CZE/CO/1, para. 6.
8 Ibid., para. 60.
9 See E/C.12/CZE/CO/2, para. 23.
10 See CCPR/C/CZE/CO/3, para. 6.
11 See http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/CZ/CzechRepublicMidTermReport.pdf.
12 OHCHR, *OHCHR Report 2016*, "Donor profiles", p. 124.
13 For relevant recommendations, see A/HRC/22/3, paras. 94.18-94.20, 94.27-94.33, 94.36-94.38, 94.48-94.54, 94.60, 94.65, 94.67, 94.71-94.72, 94.95-94.96, 94.99-94.104, 94.110-94.111 and 94.113.
14 See CEDAW/C/CZE/CO/6, paras. 4-5.
15 See CERD/C/CZE/CO/10-11, para. 4.
16 See CRPD/C/CZE/CO/1, para. 4.
17 See E/C.12/CZE/CO/2, para. 4.
18 See CCPR/C/CZE/CO/3, para. 3.
19 Ibid., para. 5.
20 See E/C.12/CZE/CO/2, para. 7, CERD/C/CZE/CO/10-11, para. 8 and CRPD/C/CZE/CO/1, para. 62.
21 For relevant recommendations, see A/HRC/22/3, paras. 94.23-94.24, 94.42, 94.48-94.76, 94.122-94.125, 94.128 and 94.130.
22 See E/C.12/CZE/CO/2, para. 8.
23 See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3284603.
24 See CCPR/C/CZE/CO/3, para. 9.
25 See E/C.12/CZE/CO/2, para. 9.
26 See CCPR/C/CZE/CO/3, para. 9.
27 See CERD/C/CZE/CO/10-11, para. 13.
28 See CCPR/C/CZE/CO/3, para. 8.
29 Letter dated 22 July 2013 from the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Independent Expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/25/74, p. 46).
30 A/HRC/25/74, p. 46.

[31] See CERD/C/CZE/CO/10-11, paras. 13-14.
[32] See CCPR/C/CZE/CO/3, para. 8.
[33] For the relevant recommendation, see A/HRC/22/3, para. 94.26.
[34] See E/C.12/CZE/CO/2, para. 22.
[35] See CRPD/C/CZE/CO/1, para. 21.
[36] For relevant recommendations, see A/HRC/22/3, paras. 94.77 and 94.126.
[37] See CERD/C/CZE/CO/10-11, para. 21.
[38] See CCPR/C/CZE/CO/3, para. 11, CEDAW/C/CZE/CO/6, para. 28, and CRPD/C/CZE/CO/1, para. 37.
[39] See CEDAW/C/CZE/CO/6, para. 28.
[40] Letter dated 18 March 2013 from the Working Group on the issue of discrimination against women in law and in practice, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Independent Expert on minority issues, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on violence against women, its causes and consequences and the Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice (A/HRC/24/21, p. 17).
[41] A/HRC/24/21, p. 17.
[42] See CEDAW/C/CZE/CO/6, para. 29.
[43] See CCPR/C/CZE/CO/3, para. 11.
[44] See CERD/C/CZE/CO/10-11, para. 22 and CRPD/C/CZE/CO/1, para. 37.
[45] See CRPD/C/CZE/CO/1, para. 37.
[46] Ibid., para. 30.
[47] See CCPR/C/CZE/CO/3, para. 14.
[48] See CRPD/C/CZE/CO/1, paras. 31-33.
[49] See CCPR/C/CZE/CO/3, para. 19.
[50] For relevant recommendations, see A/HRC/22/3, paras. 94.40 and 94.78-94.79.
[51] See CCPR/C/CZE/CO/3, para. 13.
[52] See CRPD/C/CZE/CO/1, para. 26.
[53] See CCPR/C/CZE/CO/3, para. 13.
[54] See CRPD/C/CZE/CO/1, paras. 11 and 24.
[55] Ibid., para. 12.
[56] See CEDAW/C/CZE/CO/6, para. 10.
[57] Ibid., para. 11.
[58] See CERD/C/CZE/CO/10-11, paras. 29-30.
[59] See CCPR/C/CZE/CO/3, para. 18.
[60] See A/HRC/22/3, para. 94.120 (Uzbekistan).
[61] UNHCR submission to the universal periodic review of Czechia, p. 5.
[62] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16632&LangID=E.
[63] See CERD/C/CZE/CO/10-11, para. 25.
[64] See CCPR/C/CZE/CO/3, para. 17.
[65] See CEDAW/C/CZE/CO/6, para. 39.
[66] See CERD/C/CZE/CO/10-11, para. 26.
[67] For relevant recommendations, see A/HRC/22/3, paras. 94.43-94.44 and 94.134.
[68] See CCPR/C/CZE/CO/3, para. 7.
[69] See E/C.12/CZE/CO/2, para. 11 and CEDAW/C/CZE/CO/6, para. 23.
[70] See CEDAW/C/CZE/CO/6, para. 23.
[71] Ibid., para. 15.
[72] See CRPD/C/CZE/CO/1, para. 58.
[73] See CCPR/C/CZE/CO/3, para. 12.
[74] For relevant recommendations, see A/HRC/22/3, paras. 94.83-94.85.
[75] See A/HRC/22/3, para. 94.83 (Costa Rica) and para. 94.86 (Liechtenstein).
[76] UNHCR submission, p. 3.
[77] See CEDAW/C/CZE/CO/6, para. 20.
[78] Ibid., para. 21.
[79] See CCPR/C/CZE/CO/3, para. 16 and CERD/C/CZE/CO/10-11, para. 24. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3183327:NO.
[80] See CEDAW/C/CZE/CO/6, para. 40.
[81] See CRPD/C/CZE/CO/1, para. 45.
[82] See CEDAW/C/CZE/CO/6, para. 40.
[83] For relevant recommendations, see A/HRC/22/3, paras. 94.24 and 94.92.
[84] See E/C.12/CZE/CO/2, para. 13.

[85] See CERD/C/CZE/CO/10-11, para. 16.
[86] See CRPD/C/CZE/CO/1, para. 51.
[87] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3295103.
[88] See CEDAW/C/CZE/CO/6, para. 26.
[89] See E/C.12/CZE/CO/2, para. 11.
[90] See CEDAW/C/CZE/CO/6, para. 27.
[91] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3299885.
[92] See CEDAW/C/CZE/CO/6, para. 27.
[93] See E/C.12/CZE/CO/2, para. 11.
[94] Ibid., para. 14.
[95] See CRPD/C/CZE/CO/1, para. 54.
[96] Ibid., para. 56.
[97] For relevant recommendations, see A/HRC/22/3, paras. 94.24 and 94.93.
[98] See CERD/C/CZE/CO/10-11, para. 15.
[99] See E/C.12/CZE/CO/2, para. 16.
[100] See CEDAW/C/CZE/CO/6, para. 34.
[101] See CERD/C/CZE/CO/10-11, para. 16.
[102] See CCPR/C/CZE/CO/3, para. 9 and E/C.12/CZE/CO/2, para. 16 and CEDAW/C/CZE/CO/6, para. 35.
[103] See E/C.12/CZE/CO/2, para. 17.
[104] For the relevant recommendation, see A/HRC/22/3, para. 94.94.
[105] See CERD/C/CZE/CO/10-11, paras. 15-16.
[106] See CEDAW/C/CZE/CO/6, paras. 30-31.
[107] See CRPD/C/CZE/CO/1, para. 50.
[108] See E/C.12/CZE/CO/2, para. 15.
[109] See CEDAW/C/CZE/CO/6, para. 33.
[110] For relevant recommendations, see A/HRC/22/3, paras. 94.95-94.115.
[111] See UNESCO submission to the universal periodic review of Czechia, para. 12.
[112] See CEDAW/C/CZE/CO/6, para. 24.
[113] See CERD/C/CZE/CO/10-11, para. 17.
[114] See CCPR/C/CZE/CO/3, para. 10.
[115] See CERD/C/CZE/CO/10-11, para. 18.
[116] See CCPR/C/CZE/CO/3, para. 10, E/C.12/CZE/CO/2, para. 20 and CRPD/C/CZE/CO/1, para. 48.
[117] See CCPR/C/CZE/CO/3, para. 10.
[118] See CEDAW/C/CZE/CO/6, para. 25.
[119] See UNESCO submission, p. 7.
[120] See E/C.12/CZE/CO/2, para. 19.
[121] See CRPD/C/CZE/CO/1, para. 48.
[122] For relevant recommendations, see A/HRC/22/3, paras. 94.34, 94.43-94.47 and 94.80-94.82.
[123] See CEDAW/C/CZE/CO/6, para. 15.
[124] See CCPR/C/CZE/CO/3, para. 7.
[125] See CEDAW/C/CZE/CO/6, paras. 16-17.
[126] Ibid., para. 24.
[127] Ibid., para. 25.
[128] Ibid., para. 18.
[129] Ibid., para. 19.
[130] See CCPR/C/CZE/CO/3, para. 15.
[131] For relevant recommendations, see A/HRC/22/3, paras. 94.3, 94.25, 94.35-94.39 and 94.85-94.91.
[132] See CRPD/C/CZE/CO/1, para. 16.
[133] Ibid., para. 40.
[134] See CCPR/C/CZE/CO/3, para. 20.
[135] See CRPD/C/CZE/CO/1, para. 7.
[136] Ibid., para. 23.
[137] Ibid., para. 39.
[138] See E/C.12/CZE/CO/2, para. 18.
[139] See CRPD/C/CZE/CO/1, para. 39.
[140] Ibid., para. 10.
[141] Ibid., para. 19.
[142] For relevant recommendations, see A/HRC/22/3, paras. 94.33, 94.40, 94.73, 94.115, 94.121-94.123, 94.125 and 94.127-94.135.
[143] See E/C.12/CZE/CO/2, para. 9.
[144] See CERD/C/CZE/CO/10-11, para. 11.
[145] For relevant recommendations, see A/HRC/22/3, paras. 94.115-94.120.

[146] See A/HRC/22/3, para. 94.52 (Algeria) and para. 94.56 (Cuba).
[147] UNHCR submission, p. 4.
[148] See E/C.12/CZE/CO/2, para. 10.
[149] See A/HRC/22/3, para. 94.116 (Belarus).
[150] UNHCR submission, p. 5.
[151] See CERD/C/CZE/CO/10-11, paras. 27-28.